

As issued
ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA : INDICTMENT

-v.-

07 C **07 CRIM. 928**

GENINE AMOS, :
GABRIEL CARRILLO, :
Defendants. :

- - - - - x

COUNT ONE

(Conspiracy)

The Grand Jury charges:

Background

1. At all times relevant to this Indictment, Idamar Enterprises ("Idamar") was a company based in Newark, New Jersey. Idamar administered a rebate program established by IBM and was responsible for mailing rebate checks to qualifying customers of IBM.

2. At all times relevant to this Indictment, IBM had offices in Armonk, New York and Poughkeepsie, New York.

3. At all times relevant to this Indictment, GENINE AMOS, the defendant, worked at Idamar and administered the IBM Rebate Program. AMOS's job responsibilities included determining which IBM customers qualified for an IBM rebate and maintaining a list of such customers. AMOS was also responsible for preparing checks for each qualifying customer. After preparing the checks, AMOS would give the checks to the President of Idamar for the President's signature, or, in the President's absence, an Idamar

administrator with signature authority. After AMOS obtained the signatures on the checks, Idamar would mail the checks to the qualifying IBM customer.

4. Beginning at least in or about January 6, 2003, GENINE AMOS caused Idamar to issue over \$900,000 in Idamar rebate checks to entities that AMOS knew did not qualify for such rebate checks. Following the processing and negotiation of these checks, AMOS took steps to conceal the fact that Idamar rebate checks had been issued to non-qualifying entities.

5. At all times relevant to this Indictment, GABRIEL CARRILLO, the defendant, owned and operated a business called C&P Furniture Transport Company ("CPFT"), located in Bayonne, New Jersey. CPFT was never an IBM customer qualifying for a rebate. GABRIEL CARRILLO cashed Idamar rebate checks made payable to CPFT despite his knowledge that neither he nor CPFT was, in fact, entitled to the proceeds of the checks.

The Conspiracy

6. From at least in or about January 6, 2003, up to and including February 5, 2004, in the Southern District of New York and elsewhere, GENINE AMOS, GABRIEL CARRILLO, the defendants, and others known and unknown did combine, conspire, confederate and agree together and with each other to commit an offense against the United States, to wit, bank fraud, in violation of Title 18, United States Code, Sections 1344.

7. It was a part and object of the conspiracy that

GENINE AMOS, GABRIEL CARRILLO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, would and did execute and attempt to execute a scheme and artifice to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, a financial institution, by means of false and fraudulent pretenses, representations, and promises, and to defraud a financial institution, in violation of Section 1344 of Title 18, United States Code.

OVERT ACTS

8. In furtherance of the conspiracy and to effect the illegal objects thereof, GENINE AMOS, GABRIEL CARRILLO, the defendants, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about June 6, 2003, in Jersey City, New Jersey, GABRIEL CARRILLO, the defendant, cashed Idamar Check Number 8276, made payable to "CPFT, LLC" in the amount of \$185,000.

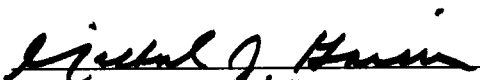
b. On or about October 10, 2003, in Jersey City, New Jersey, GABRIEL CARRILLO, the defendant, cashed Idamar Check Number 8333, made payable to "CPFT, LLC" in the amount of \$275,000.

c. On or about February 5, 2004, GENINE AMOS, the defendant, altered a copy of a processed Idamar check and

faxed the altered check to IBM, in Poughkeepsie, New York.

(Title 18, United States Code, Section 371.)

FOREPERSON


MICHAEL J. GARCIA
United States Attorney